



PLANNING COMMISSION MEETING STAFF REPORT JANUARY 26, 2006

Project: IRVINGTON COMMONS - (PLN2004-00177)

Proposal: To consider approval of a 15-unit multi-family residential development involving (a) Site Plan and Architectural Approval; (b) Vesting Tentative Tract Map 7690; (c) Preliminary Grading Plan; and (d) Private Street.

Recommendation: Approve, based on findings and subject to conditions.

Location: 41762, 41778 and 41786 Fremont Boulevard in the Irvington planning area.
APN 525-0611-053-02
(See aerial photo next page)

Area: 15 dwelling units proposed on a 0.686-acre lot

People: Jitender Makkar, Designer, Edge Concepts, Inc.
Ralph Masloff, Surveyor and Engineer, GL A Civil Engineers, Inc.
Marc Hachey, Geotechnical Engineer, Consolidated Engineering Labs
Wesley T. Sakamoto, Landscape Architect
Irvington Commons, LLC, Property Owner and Applicant
Clifford Nguyen, Staff Planner (510) 494-4769, cnguyen@ci.fremont.ca.us

Environmental Review: A Mitigated Negative Declaration was previously adopted for this project.

General Plan: Medium Density Residential (18-23 du/ac)

Zoning: R-3-23, Multi-family Residence District

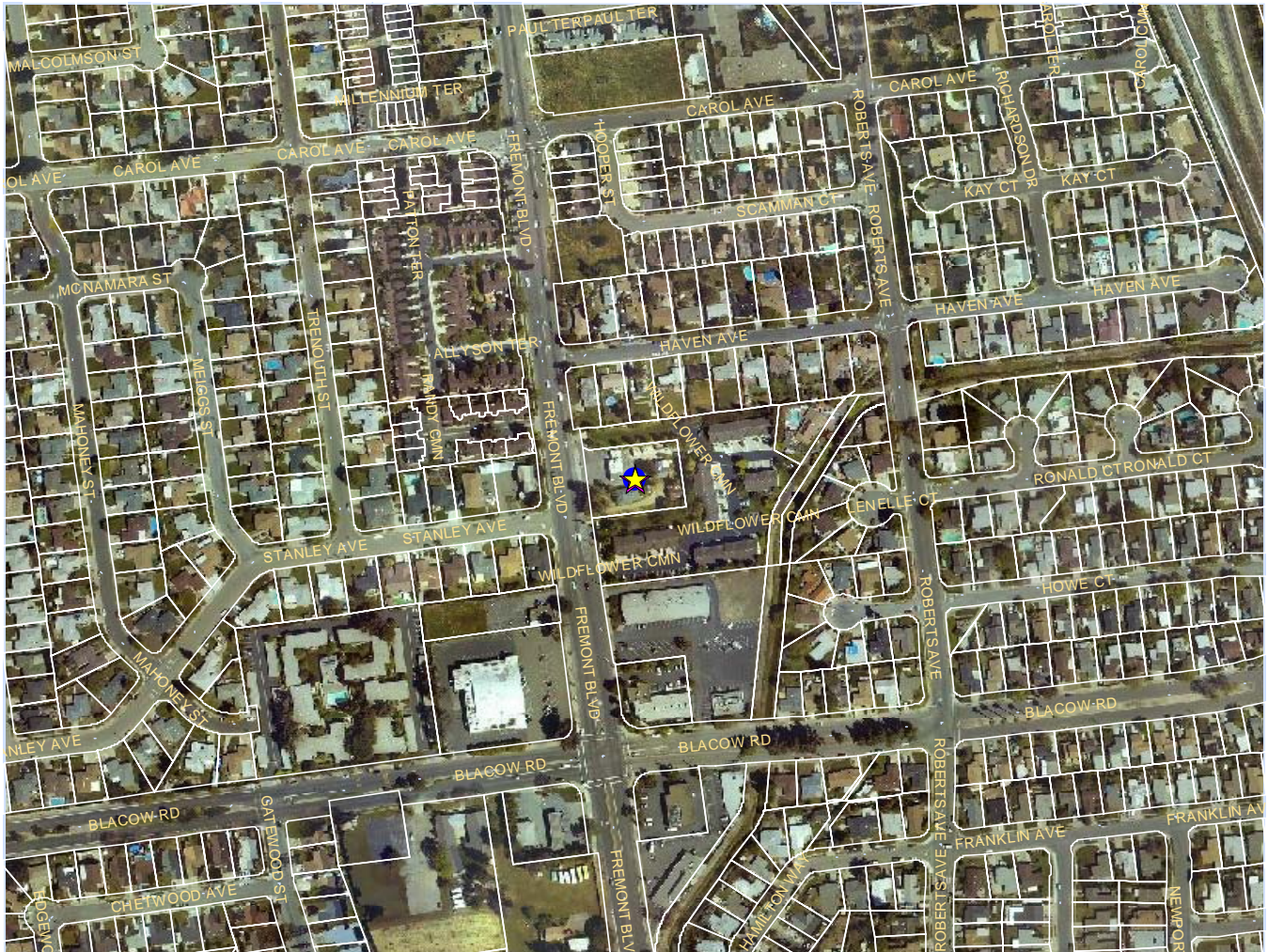
EXECUTIVE SUMMARY:

The Planning Commission is being asked to consider Site Plan and Architectural Approval, Vesting Tentative Tract Map 7690, Preliminary Grading Plan and Private Street, for the development of a 15-unit multi-family residential townhouse project. In February 2005, on recommendation of the Planning Commission, the City Council approved a General Plan Amendment and Rezoning of the project site to facilitate development of the site with housing. The proposed project meets the City's goals and objectives for the creation of new infill, multi-family housing. Staff recommends approval of the project, based on the findings and conditions.

Figure 1: Aerial Map (2002) of Project Site and Surrounding Area.



[1 inch = 375 feet]



SURROUNDING LAND USES:

North:	multi-family residential
South:	multi-family residential
East:	multi-family residential
West:	single-family residential

BACKGROUND AND PREVIOUS ACTIONS:

In January 2005, the Planning Commission recommended a General Plan Amendment to change the land use designation of the 0.686-acre project site from Medium Density Residential, 15-18 dwelling units per acre to Medium Density Residential, 18-23 dwelling units per acre; and, a corresponding Rezoning of the site from R-G-29 (Garden Apartment Residence District) to R-3-23 (Multi-family Residence District). In February 2005, the City Council unanimously approved the Planning Commission's recommendation, adopting an Ordinance to rezone the site and a Resolution amending the General Plan. At that time, the Planning Commission and City Council was informed that the applicant was also in the process of developing architectural plans and a tentative tract map for a 15-unit multi-family residential project for the site and that it would later require Planning Commission approval. These plans are now completed and are recommended for approval, as conditioned.

PROJECT DESCRIPTION:

The applicant, Irvington Commons, LCC, is requesting Site Plan and Architectural Approval (SPAA), approval of a Vesting Tentative Tract Map (VTTM), Preliminary Grading Plan (PGP) and Private Street (PS) for the development of 15 for sale townhouse units with associated parking and landscaping on a vacant parcel. The proposed project development is summarized, as follows:

1. Dwelling Units. Three main multi-family structures in a Craftsman-style design with a building composition of one 3-unit building and three 4-unit buildings. The proposed attached townhouse structures are just below 35 feet in height from the existing grade. Five floor plans on two living levels are proposed: Plan A is 1,661 square feet; Plan B is 1,594 square feet; Plan C is 1,766 square feet; Plan D is 1,096 square feet; and, Plan E is 1,650 square feet. A total of 15 units are proposed on the project site.
2. Off-street Parking. A total of 37 parking spaces are proposed: 28 side-by-side covered spaces, 2 tandem covered spaces, and 7 uncovered parking spaces for guests (with one of these spaces van accessible).
3. Open Space. Each dwelling unit is provided with either a private open space balcony or patio. A total of five balconies and ten patios are proposed. In addition, approximately 1,182 SF of common open space is proposed.
4. Landscaping. A variety of trees, shrubs, flowering vines and groundcover are proposed. In addition, large canopy street trees and onsite shade trees will be installed.
5. Onsite Amenities. A courtyard, which serves as a social zone in the common open space area, is proposed with trellises and arbors, durable picnic tables and a barbeque.
6. Circulation/Site Access. The applicant proposes to develop a new private street that would be served by one point of access from Fremont Boulevard with an onsite emergency vehicle hammerhead turnaround.

PROJECT ANALYSIS:

General Plan Conformance:

The applicant states that the project intent is to develop a high-quality 15-unit townhouse project in conformance with the site's existing General Plan land use designation of Medium Density Residential (18-23 dwelling units per acre), and R-3-23, Multi-family Residence zoning district. Although the

project parcel is located at least 2 miles from the Fremont BART station, should a future “Irvington BART” station be developed, it would provide housing in proximity to that station.

As a multi-family residential use is proposed, the project is consistent with the multi-family residential character of the surrounding neighborhood. The townhouse style project is generally designed to be compatible with the existing and future multi-family development of the area with complete streetscape improvements. Thus, given the presence of surrounding multi-family residential land uses, the proposed project would result in a compatible land use. The proposed project is consistent with existing General Plan goals, policies and objectives related to multiple-family use, which are as follows:

Housing Goals

Goals H2 and H3: The proposed project is compatible with these two residential goals, which identifies “High quality and well-designed new housing of all types throughout the city” (H2); and “Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002” (H3). The parcel is currently vacant and has been cleared of all previous structures. Under Program 18 of Housing Goal 3B, the parcel is listed in the Housing Element’s “Vacant or Underutilized Inventory List” as a candidate site that is appropriate for the development of additional new housing in the City. The parcel is identified to achieve a minimum development of at least 20.5 DU/AC (the midpoint of the 18-23 du/ac range or a minimum of 14 dwellings on the 0.686-acre project site). The proposed project consisting of 15 generally well-designed units is consistent with this minimum requirement and goal. Pursuant to the City’s Inclusionary Ordinance, a minimum of 15 percent of all residential units in the project (or 2 units) will be made available at affordable rents or affordable housing cost.

Land Use Goals

Land Use Goal 1.9: The proposed project is compatible with this land use goal which states, “To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate”. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, and proximity to a collector or arterial street. The proposed project parcel is located on an arterial street, Fremont Boulevard. Additionally, the proposed 15-unit project is appropriate in that it exceeds the midpoint of 20.5 dwelling units per acre (or 14 units) for the 0.686-acre project site in conformance with its existing land use designation, Medium Density Residential (18-23 du/ac).

Land Use Policy LU 1.12: The proposed project is compatible with this land use policy which states, “To the maximum extent feasible, play areas and open spaces shall be located to avoid conflict between residents attempting to reach these facilities and vehicular traffic”. The common open space and play area provided for the enjoyment of the future occupants meets this policy.

Land Use Policy LU 1.13 and 1.22: The proposed General Plan Amendment is compatible with this land use policy which states, “Buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit through the use of site design, open space, landscaping and appropriate building materials. Multi-family housing units shall be developed with consideration given to the relationship to adjacent development.” The proposed project building design is consistent with these policies in that private open space areas and window placement, to the extent feasible, are appropriately designed and located to maximize visual and auditory privacy for each unit.

Redevelopment Plan Conformance:

The project site is located in the Irvington Redevelopment Project Area. The proposed project is consistent with the Redevelopment Plan because its approval would allow the development of 15 housing units on the parcel, including a minimum of two affordable, below market rate units. This meets the Agency's overall goals to revitalize the area and to produce, enhance and preserve affordable housing.

Zoning Regulations:

The proposed project site is zoned R-3-23, Multi-family Residence District. Development on the project site is required to adhere R-3 District's standards and guidelines. The table below represents lot and siting requirements, which can be modified through the Site Plan and Architectural Approval (SPPA) process. A section-by-section analysis that highlights the project's conformity to, or variation from, key-zoning standards follows.

<i>R-3-23 Zoning Lot & Siting Standards</i>	
Maximum Building Height	52 feet
Minimum Lot Size	6,000 square feet
Minimum Lot Width	60 feet
Street Frontage	35 feet
Front and Street Side Setback	20 feet
Interior Side and Rear Setbacks	10 feet
Lot Coverage	50 percent
Minimum Common Open Space Area	500 SF for up to 5 units, plus 50 SF for each additional unit; one dimension at least 15 feet
Minimum Private Open Space Area	Balconies: Min. 60 SF, least interior dimension of 6 feet. Patio: Min. 100 SF, least interior dimension of 10 feet.

Building Height:

The building structures proposed are just under 35 feet in height, which is within the allowable building height for structures in the District on properties that are not within 50 feet of properties designated for Low Density Residential use (ten units per acre or less). At almost 35 feet in height, the proposed height of the structures is compatible with the surrounding multi-family residential buildings which exist to the south and east.

Building Setbacks/Coverage:

The front setbacks of the proposed buildings adjacent to Fremont Boulevard are less than the general standard of 20 feet. However, the R-3 standards recommend a reduction of the front yard set back to promote a more pedestrian-oriented environment and neighborhood setting. The front yard setbacks for the proposed buildings adjacent to Fremont Boulevard is reduced to 10 feet to foster a more lively and active setting for the residents with front doors oriented towards the streets and building facades well articulated.

In addition, side and rear yard reductions are also proposed. Staff believes that the reductions proposed to the side and rear yard setback of less than 10 feet are minor and will not cause an impact on the neighboring townhouse development surrounding the site. The reductions are summarized as follows:

- While the three 4-unit buildings (Units 4 through 15) comply with the 10-foot side yard setback on the first floor level, the second level of these buildings cantilever over the first level into the general 10-foot setback by approximately 2.5' to 3' on the south and east side, adjacent to the existing multi-family development that surrounds the site. Whereas a general 10-foot setback is permitted for a new multi-family project, and reductions to that setback are permitted through site plan and architectural approval, the adjacent multi-family building on the adjacent lot to the south has a building setback of approximately 20 to 40 feet from the shared property line. Thus, the separation between the buildings in the two projects would be 27 to 37 feet, which exceeds the usual 20 foot cumulative setback when each site provides a regular 10 foot set back. In addition, existing trees on the neighboring multi-family development provides partial screening for privacy.
- The setbacks proposed for the 3-unit building (Units 1-3) on the north side of the site are reduced approximately 2.5' on the first floor level and 4' to 5' on the second floor level to allow the second floor to cantilever over the first floor level. This area is adjacent to a 20-foot wide emergency vehicle access easement (EVAE—a restricted no build zone to serve as emergency access) on the neighboring multi-family lot. The reduction to the setback should thus not have an impact on the adjacent development, as it is adjacent to the neighboring EVAE.

Parking:

The City of Fremont parking standards require 1 covered parking space for each two or more bedroom unit for resident parking, plus 0.5 uncovered spaces per unit for residents, plus 0.5 uncovered spaces per unit designated for guest parking only. Because 15 dwelling units with 2 or 3 bedrooms are proposed, the total off-street parking requirement for this project is 31 parking spaces: 23 spaces for occupant parking and 8 spaces for guest parking.

The proposed site plan shows a total of 37 parking spaces:

Covered Occupant Parking (garages):	28 side-by-side spaces 2 tandem spaces
Uncovered Guest Parking:	<u>7 standard spaces</u> (1 van accessible)
	37 spaces

Although the applicant proposes 6 spaces more than required, the parking spaces as proposed do not technically meet general parking requirements as it relates to occupant and guest space distribution. While proposed Unit 13 contains two tandem parking spaces, it is short one occupant space because two tandem spaces are generally counted as one space. In addition, the project is short one guest parking space.

Staff believes that while the project does not technically meet the City's general parking standards, sufficient off-street parking is available. Under the parking provisions of Section 8-22003(a)(2)(d) of the Zoning Ordinance (Article 20), the Planning Commission may reduce the parking requirement for a particular project if it finds that there is sufficient off-street parking to meet the needs of the neighborhood and when it makes one of four specified findings. Staff finds that two specific findings can be made, as follows:

- i. Due to the use's proximity to alternative transportation infrastructure and service, including but not limited to BART, Amtrak, and other passenger rail services, bus service, or similar, the use is likely to require a lower level of parking than is required by similar projects not proximate to alternative transportation because residents will have viable transportation alternatives available.
- ii. Due to the use's proximity to amenities, and/or due to the desire to create a more pedestrian oriented environment in and around the project site, a reduction in required parking will further the goal of enhancing and strengthening the neighborhood, and, furthermore, that residents will have access to amenities such as shopping, entertainment, and employment without necessitating the use of automobiles.

Comment: The site is in proximity to an AC Transit bus stop at the corner of Fremont Boulevard and Adam Avenue (Line 212). The site is also within 0.37 miles (or 2,000 feet) of the retail core area of the Irvington District (and possibly future Irvington BART station).

A condition is proposed to require that all off-street parking stalls be maintained, available for occupant and guest parking. Under this condition, in no event shall household storage preclude the parking of vehicles in a garage area, and all parking spaces designated for guest parking shall be restricted for guest usage only. Further, all new occupants and property owners at the time of purchase or lease shall receive a separate notice on bright color paper of this proposed condition. (Condition B-3)

Inclusionary Housing:

The development of the site is required to meet the City's Inclusionary zoning requirements through the inclusion of at least 15 percent of all residential units of any proposed residential project as Below Market Rate (BMR) units. A total of 2 BMR units are required, as conditioned, for the 15 unit for-sale project. (Condition A-5)

Design Analysis:

Site Planning:

The project site is an in-fill parcel that is located within a fully developed area. Multi-family developments are located to the east, south and north; single-family residences are located to the west. The proposed project requires Site Plan and Architectural Approval (SPAA) by the City's Planning Commission because more than 11 units of housing are proposed. Upon SPAA review, all building development standards, including heights, sizes, and styles proposed on the site is evaluated for consistency with the R-3 zoning district and existing character of the neighborhood. The project is also evaluated to not create a new source of substantial light or glare. The site frontage along Fremont Boulevard will be improved/modified to accommodate the project with new curb, gutter, and sidewalk.

The proposed site design is in a traditional townhouse-style layout with living units above garages that are tucked underneath the units. Access to the enclosed garages would be from a new private street that contains a single access point on Fremont Boulevard. A total of 15 units in four main structures are proposed. The main structures are three stories in height (under 35') with structures adjacent to Fremont Boulevard designed with front doors oriented to the street.

The applicant worked closely with staff on the configuration of the site plan to increase the size of the common open space area, now relocated in a more appropriate location; to redesign units adjacent to Fremont Boulevard with front doors facing the street; and, to provide an acceptable means of emergency vehicle turnaround (or hammerhead) on the site. However, additional modifications to the site design are recommended below.

1. Consistent with the City's private vehicular access ways (PVAW) policy, except as modified by this approval, the final design treatment, scoring pattern, texture and material used for the construction of the private street should be reevaluated by Development Organization staff to ensure the appropriateness of the special paving proposed. (Condition C-1)
2. The proposed location of the light standards, and lighting plan in general, should be coordinated with the proposed landscape plan. Lighting which shines directly into dwelling units or adjacent property, or is overly intense and bright, should be avoided. (Condition C-2)
3. The applicant should work closely with the power utility provider, PG&E, to appropriately locate underground transformer vault(s) in locations that are less noticeable or can be adequately screened, coordinated with the proposed landscape and site plan. (Condition C-3)
4. Acceptable to the Fire Department, all fire apparatus, including standpipes and risers, should be properly located and concealed within the building walls. (Condition C-4)
5. The applicant should work closely with the power and water utilities, PG&E and ACWD, respectively, on the location of the electrical and water meters. Such meters should be located in utility closets, in areas that can be screened (e.g. architecturally, compatible low screening walls, landscaping, etc.), or banked in locations that are less visible on the site. (Condition C-7)
6. The two road terminuses should be further enhanced to include landscape structural elements/artwork, color planting material, etc. (Condition C-10)

With the implementation of the proposed site design modifications listed above, staff is supportive of the proposed site design and finds that it would be compatible with the surrounding development.

Architecture:

The project architecture utilizes elements from the California Craftsman, an architectural style that is found in the Irvington district. The design and quality of the project are consistent for the neighborhood setting and will enhance the appearance of the surroundings. The architectural design for the buildings appropriately uses Craftsman elements and a variety of exterior cladding: stucco, board and batten, and wood siding. The structures' roof profiles are combination gables, topped with dark brownish concrete split shake tiles. The structures' design also incorporates several architectural elements, including wood brackets, outlookers, railings, a stone wainscot and porch posts that are consistent with the design theme. The main façade treatment consists of stucco painted in a mild brown color; wood siding is treated in a medium beige color; board and batten in a lighter beige/ cream color; and, doors and wood brackets are treated in darker brown/reddish color with the wood window surrounds in a eggshell white color.

Some refinements, however, to the building design should be considered to make the project more cohesive in architectural design. The proposed refinements are listed below and staff recommends be resolved during the Development Organization review process. (Condition D-1 and D-2)

1. Staff recommended and the applicant added a bargeboard under one of the building gables. However, bargeboards should be added under all building gables.
2. The size and location of wood brackets should be reconsidered to ensure consistency and that the element is used appropriately, i.e., not overwhelming the building facades.

Staff supports the design with the inclusion of the recommendations above, as it should further enhance the architectural design of the buildings.

Open Space/Landscaping:

The landscape plan is acceptable. Within the development are a variety of shrubs and groundcover, and trees in the location of the front yards of units facing Fremont Boulevard, the parking area and common open space areas. Foundation planting has also been provided around the main structures. Enhanced paving is used at private entry walkways and at street interfaces; arbors and trellises at the common open space and parking areas. In addition, three 48-inch box trees will also be installed for the mitigation of redwood trees previously removed on the site. (Condition A-6)

Lighting/Fencing:

The applicant submitted a conceptual lighting plan that shows locations of light standards for generally the private street area. Staff believes that, while the type of light standards proposed are appropriate and consistent with a residential scale, the location of the standards may impact landscape areas where new trees and/or shrubs are proposed. Modifications to the lighting plan are recommended to be consistent with the landscape plan, which staff believes can be resolved during the Development Organization review process. The lighting plan will be reviewed to match the lighting intensity and quality to the use for which it is intended, and lighting which shines directly into dwelling units or is overly intense and bright will be avoided. (Condition E-3)

A new redwood fence is proposed on the north, east and sections of the south property line, abutting an existing pre-cast wall on the adjacent neighboring development. A new masonry wall is proposed at the two westerly side yards of Units 1 and 15 adjacent to Fremont Boulevard and at the two private street terminuses on the south property line. Due to problems associated with debris, litter, vermin and restricted maintenance in between walls, staff is not supportive of the proposed redwood fence abutting the existing pre-cast wall on the adjoining development to the north, south and east side property line. The applicant was informed to work with the neighboring homeowner's association to repair (and/or replace) the existing pre-cast wall so that it could be utilized as a shared 'good neighbor' wall. The applicant indicated willingness to work with the neighboring homeowner's association regarding this issue.

If the applicant receives consent from the neighboring homeowner's association, the repair of the wall treatment and color will be subject to review and approval during the Development Organization process, and will be treated with graffiti-resistant paint. All new wall/fence designs and heights will also be reviewed for compliance with the Zoning Ordinance requirements (Condition C-9).

Circulation:

Pedestrian and vehicle access to the project site is from Fremont Boulevard, which was recently improved with the construction of the City's Project 8397B (PWC) – Fremont Boulevard Improvements, Irvington Avenue to Blacow Road. On the project frontage, the City's project included pavement widening, moving the Irvington sign, retention of pine trees as street trees, and construction of new curb, gutter, and sidewalk. The City's project also included the construction of two driveways, which will be removed and replaced by a single driveway to provide private street access for this project.

On-site vehicle circulation is provided by a private vehicle access way (PVAW), which is a type of private street used for condominium and townhouse developments. The on-site streets shall be privately owned and maintained by the homeowners association. Public utility easements and an emergency vehicle access easement shall be established over the private streets. Except for right-of-way and pavement widths, the on-site streets and underground utilities shall be constructed to meet or exceed public standards.

Due to the design of the project and size/shape of the project, the following PVAW design standards are not being met with this project:

- PVAW Policy #15: A walkway connection is to be provided from the private vehicle access ways to the main pedestrian pathway system. A 3.5 foot sidewalk shall be provided on both sides of the private vehicle access way.

Analysis: The size of the project site and the design of the units restrict the amount of available area for pedestrian facilities. Units 1 and 12 through 15 have front doors that face Fremont Boulevard and have walkways connecting to the public sidewalk. The other units do not have dedicated pedestrian connections to Fremont Boulevard. Several recent townhouse and condominium projects have been approved without sidewalk on both sides of the private vehicle access way, because the front door of the units are not located on the same side of the building as the garage door. The applicant proposes to install various pavement materials within the PVAW to add a sense of pedestrian scale to the internal street. The applicant is requesting deviation from the policy requiring sidewalks along the private vehicle access ways as part of the Site Plan and Architectural Review application. Staff supports the proposed design.

- PVAW Policy #8: Minimum edge of pavement radius is to be twenty feet, except for "turn around" facilities.

Analysis: The project has been designed according to the R-3 zoning standards, which provide some flexibility in the project design and setbacks. While the PVAW layout does not provide twenty-foot radii at on-site intersections or changes in direction, the design does accommodate the needs of emergency vehicles and anticipated service vehicles. Staff supports the proposed design.

Grading & Drainage:

The project site is predominantly flat, having been previously developed with a commercial building and a residence, both of which have been demolished. On-site grading for the project is limited to the grading needed for the building pads, streets, and landscaped areas, including the bio-swailes for treatment of storm water runoff. The project civil engineer estimates total grading to be 2,090 cubic

yards (430 cubic yards of cut and 1,660 cubic yards of fill). Because the estimated total grading exceeds 1,000 cubic yards, a preliminary grading plan application has been submitted with the tentative map application.

Stormwater Treatment: All projects within the City of Fremont must comply with the Alameda Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit. The project proposes to meet the permit requirements by constructing “rock pond” bio-filtration planters at the end of the private streets on the southern boundary of the site. In addition to the proposed planters, staff has included a condition requiring the design team to incorporate additional best management practices to increase the potential for pollutant reduction. The proposed treatment measures and additional best management practices will be reviewed for compliance, along with the site drainage plans, during the final map and subdivision improvement plan process.

Geologic Hazards:

The project site is within an area of potential liquefaction on the official Seismic Hazard Zones, Niles Quadrangle map, released by the State Geologist on October 19, 2004. In accordance with the Seismic Hazard Mapping Act, the project geotechnical engineer prepared a seismic hazard report. The report was reviewed and approved by the City and filed with the State Geologist. The subdivision improvements and building construction will conform to the recommendations of the seismic hazard report.

FEMA Flood Zone:

The project site is not within a special flood hazard area, as designated by FEMA on the National Flood Insurance Program, Flood Insurance Rate Map. Though the site is not in a hazard area, the storm water runoff from the site flows into Laguna Creek, which has been identified as a special flood hazard area, or areas where 100-year flooding may occur. The storm drain system for this project will be designed so as to not increase peak flows in the Irvington area.

Environmental Review:

A Mitigated Negative Declaration (enclosed) was previously adopted for the General Plan Amendment (GPA) and rezoning which allows for this project. The environmental analysis identified concerns regarding potential impacts to cultural resources, hydrology/water quality, noise, air quality, and geology/soils. The Mitigated Negative Declaration included mitigation measures which will reduce the identified impacts to non-significant levels. These mitigation measures were incorporated into a Mitigation Monitoring Program (enclosed) which was adopted with the GPA and rezoning and are included as conditions of approval for the project.

A finding was proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. The Mitigation Monitoring Program included several mitigation measures which are incorporated in this project, including, limits on hours of construction, erosion control, mitigation of noise impacts, among others.

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 140 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on January 12, 2006. A Public Hearing Notice was published by The Argus on January 12, 2006.

ENCLOSURES:

Exhibits:

- Exhibit "A" Project Site, Architectural, Conceptual Landscape and Drainage Plans
- Exhibit "B" Vesting Tentative Tract Map 7690, Preliminary Grading Plan and Private Street
- Exhibit "C" Findings and Conditions for Site Plan and Architectural Approval—General Project Conditions
- Exhibit "D" Findings and Conditions for Vesting Tentative Tract Map 7690, Preliminary Grading Plan and Private Street
- Mitigated Negative Declaration and Mitigation Monitoring Program

Informational Items:

1. Designer's Architectural Statement

Supplemental Hearing Materials:

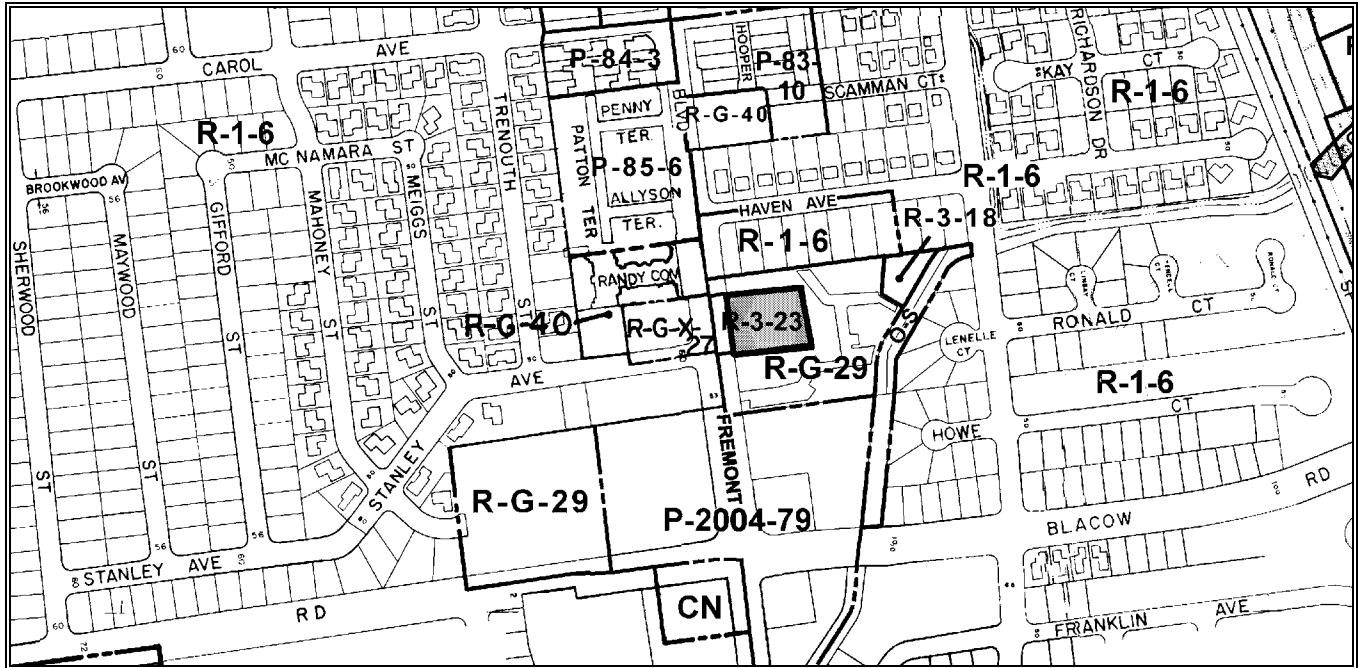
2. Color and Material Board

RECOMMENDATION:

1. Hold public hearing.
2. Find the previous initial study conducted for the project evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources, and concluded that the implementation of approved mitigation measures would reduce all identified impacts to a level of less than significant. Therefore, because the proposed project has not change (i.e., same number of dwelling units proposed on the 0.686-acre site) find that there is no evidence the project would have any potential for adverse effect on wildlife resources.
3. Find that the previously adopted Mitigated Negative Declaration and Mitigated Monitoring Program for the project are still valid and that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further finding that this action reflects the independent judgment of the City of Fremont.
4. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan as enumerated within the staff report and Finding Exhibits adopted/recommended herewith.

5. Find that the proposed project as shown in Exhibit "A" is in conformance with the standards and policies of the R-3 zoning district, and that based on the Site Plan and Architectural Approval process conducted, the exceptions granted to the general standards of the district are warranted for the reasons mentioned in the staff report.
6. Find Vesting Tentative Tract Map 7690, Preliminary Grading Plan and Private Street shown on Exhibit "B" are in conformance with the relevant provisions contained in the City's General Plan and standards of the Fremont Municipal Code.
7. Approve Exhibit "A" (Finding, Site Plan and Architectural Approval), based on findings and conditions in Exhibit "C".
8. Approve Exhibit "B" (Tentative Tract Map 7690, Preliminary Grading Plan and Private Street), based on findings and conditions in Exhibit "D".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

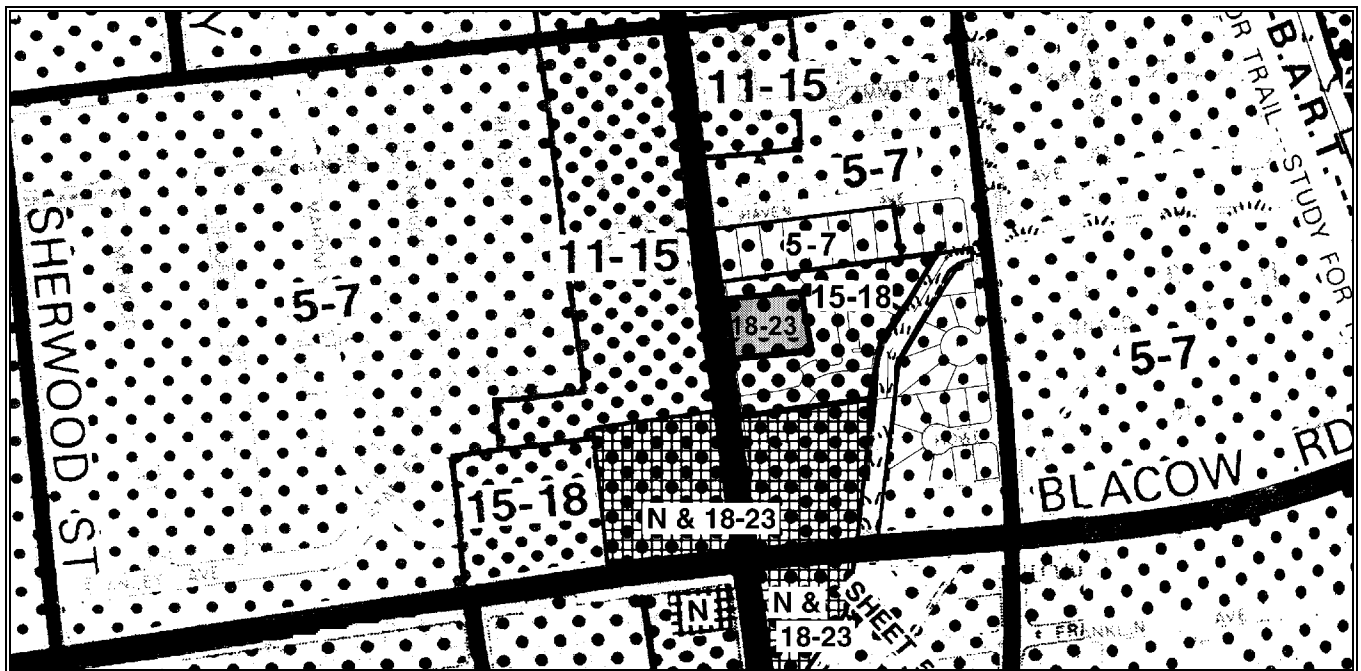


Exhibit "C"
PLN2004-00177
(Finding, Site Plan and Architectural Approval)
Irvington Commons, 41762, 41778 and 41786 Fremont Boulevard
(APN 525-0611-053-02)
January 26, 2006 Planning Commission Meeting

FINDINGS:

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Planning Commission dated January 26, 2006, incorporated hereby.

General Findings

1. Find that the previously adopted Mitigated Negative Declaration and Mitigated Monitoring Program for the project are still valid and that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further finding that this action reflects the independent judgment of the City of Fremont.
2. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report.
3. Find that the proposed project is in conformance with the standards and policies of the R-3 zoning district, and that based on the Site Plan and Architectural Approval process conducted, the exceptions granted to the general standards of the district and 3.5 foot sidewalk private vehicular access policy (PVAW) are warranted for the reasons mentioned in the staff report.

General Conditions (Must be satisfied on an on-going basis—Pre-, during-, and post-construction.)

- A-1 The project shall conform with Exhibit "A" (Project Site, Architectural, Roof, Conceptual Landscape and Drainage Plans) and all conditions of approval set forth herein.
- A-2 The proposed project shall also comply with all companion conditions of approval relating to the Vesting Tentative Tract Map, Preliminary Grading Plan and Private Street (Exhibit 2). All plans shall be designed to be in compliance with applicable federal, state and local building and fire code requirements.
- A-3 Plans shall be submitted to the Development Organization (D.O.) for review and approval to insure conformance with these conditions herein, as well as with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-4 Minor modifications to the approved building designs and siting, elevations and colors may be made, subject to review and approval of the Planning Director or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Planning Director shall retain the authority to determine the level of review required (i.e.,

depending on the severity of the modification, the project may be referred to the Planning Commission for review and approval).

- A-5 Pursuant to Article 21.7 [Inclusionary Housing] of the Fremont Municipal Code, the Property Owner(s) shall enter into a BMR Master Developer Agreement with the City to provide at least 15% of total number of residential units made available at affordable housing costs within the for-sale development.

A total of 2 units in the 15-unit "Irvington Commons" project shall be available for participation in a below market rate (BMR) affordable housing program, subject to the review and approval of the Office of Housing and Redevelopment. The BMR Master Developer Agreement shall run with the land, made part of the project's conditions of approval and shall be recorded on the property titles of each parcel designated for the BMR sales program.

The BMR Master Developer Agreement shall include the following provisions:

- BMR units must be affordable to families earning no greater than 110% or below of the county median income as defined by the United States Department of Housing and Urban Development in effect at the time of sale;
- Units shall only be available to eligible first time homebuyers as defined under the California Housing Finance Agency To the extent permitted by law, preference shall be given to those who currently live, work, or previously lived in the City of Fremont;
- To insure long-term affordability, and to assist the greatest number of families over the longest feasible time, BMR units shall be subject to resale restrictions under individual agreements developed by the City of Fremont, which shall be binding for a minimum of 30 years, renewable upon resale;
- The BMR sales price shall be computed as follows:
For a two bedroom unit, the sales price shall be computed based upon the maximum program restricted income for a family of three times a multiplier of 3.5, and for a three bedroom unit, the sales price shall be computed based upon the maximum program restricted income for a family of four times a multiplier of 3.5. For January 2005, the sales prices are:

2005 BMR sales price:

2 bedrooms (family of 3 at 110% of area median income): \$284,900

3 bedrooms (family of 4 at 110% of area median income): \$316,400

4 bedrooms (family of 5 at 110% of area median income): \$341,950

The City of Fremont Office of Housing and Redevelopment will conduct the Buyer Selection process and will provide eligible homebuyers to the Developer. The selection process will be described in the BMR Master Developer Agreement.

- A-6 The mitigations measures below shall be implemented at pre-, during-, and/or post-construction intervals, as listed below.

Mitigation #1: The project shall comply with standard dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. In areas where construction is delayed for an extended period of time, the ground shall be re-vegetated to minimize the generation of dust. A person shall be designated to oversee the implementation of dust control. **This mitigation shall be implemented during- and post-construction.**

Mitigation #2: At such time development occurs on the site, three (3) 48-inch box trees are required to be installed, subject to the review and approval of the City's Landscape Architect. **This mitigation shall be implemented pre- and during-construction.**

Mitigation #3: Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5. (e) and (f) would be followed to reduce impacts to a non-significant level. **This mitigation shall be implemented during-construction.**

Mitigation #4: All mitigation measures recommended in the Consolidated Engineering geotechnical report and supplement technical evaluation recommended in the Cotton, Shires & Associates peer review report referenced herein relating to the development of the site shall be implemented in the design of the structures proposed on the project parcel prior to issuance of building permits. **This mitigation shall be implemented pre- and during-construction.**

Mitigation #5: Project construction would be required to adhere to appropriate standards for residential and circulation areas with attendant drainage and landscaping, emphasizing storm water Best Management Practices intended to achieve compliance with the goals of the Alameda County Urban Storm Water Runoff Program in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act. **This mitigation shall be implemented during- and post-construction.**

Mitigation #6: Best Management Practices elements shall be incorporated into the final site design to mitigate potential storm water, drainage, and water quality impacts for the project site. **This mitigation shall be implemented pre-construction.**

Mitigation #7: Residential development on the site must adhere to the preliminary recommendations of the Wilson, Ihrig & Associates, Inc. noise study for the site. In addition, a final evaluation conducted by a qualified noise professional of the actual implemented noise attenuation devices and techniques is required prior to the issuance of building permits. **This mitigation shall be implemented pre- and post-construction.**

Mitigation #8: Hours of construction shall be limited to 7 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 6 p.m. Saturday. No construction shall be permitted on Sundays. **This mitigation shall be implemented during construction.**

Special Conditions (Must be satisfied on on-going basis and included in the Homeowner's Covenants, Conditions and Restrictions (CC&Rs))

- B-1 A Homeowner's Association shall be formed and shall covenant and be responsible for the maintenance of all commonly owned facilities, including the private street (or private vehicular accessway), which are not maintained by the public utility agency. CC&Rs, including these imposed conditions, shall be submitted to the Development Organization (or during the tract map improvement plan review process) for review and approval.
- B-2 The Homeowner's Association shall be required to contract with a professional management firm to handle maintenance operations and waste/recycling collection procedures. Documentation of such contract shall be submitted to the City. All commonly owned facilities shall be well-maintained in a good condition.
- B-3 The exterior parking of boats, campers, and trailers on the site are prohibited. In no event shall household storage preclude the parking of vehicles in a garage area, and all parking spaces designated for guest parking shall be restricted for guest usage only. All new occupants and property owners at the time of purchase or lease shall receive a separate notice on bright color paper of this condition.
- B-4 In the interest of aesthetics, uniformity in appearance, safety and security, all garage doors shall be maintained in a closed position, except during entering or exiting movements from the garage.
- B-5 The Homeowner's Association shall be responsible for the maintenance of all common areas. Landscaping shall be designed with an efficient irrigation system to reduce runoff and promote surface filtration and to minimize the use of fertilizers, herbicides, and pesticides which can contribute to urban runoff pollution.
- B-6 No power equipment, hobby shops, car maintenance (other than emergency work) shall be permitted within the private garage areas where such activities would displace normal use of the garages for day to day parking purposes.
- B-7 The Homeowner's Association is to periodically provide educational materials on stormwater pollution prevention (as furnished by the City) to all occupants.
- B-8 The Homeowner's Association shall be responsible for litter control and sweeping of all paved surfaces of the private street and within the development. All private storm drain systems are to be cleaned immediately before the commencement of the rainy season (October 15).
- B-9 No exterior additions to the residential structures, including the addition of pre-manufactured sun rooms and patio covers, shall be permitted.
- B-10 All roof-mounted and other mechanical equipment shall be screened from view from adjacent public rights-of-way and internal private streets.

- B-11 Garbage, trash or recycling containers shall be suitably concealed in an area dedicated within the garage of each unit, except such features may be placed at curbside on the designated garbage pick-up day.
- B-12 A provision shall be included in the CC&Rs stating that the payment of the utility (e.g., water, energy) bills for all common facilities, including its maintenance, are the obligations of the Homeowners Association.
- B-13 All other CC&R special conditions/provisions included as companion conditions within Exhibits 2.

Prior to Issuance of Building Permits (Required modifications to project design.)

Site Planning Modifications

- C-1 Consistent with the City's private vehicular accessways (PVAW) policy, except as modified by this approval, the final design treatment, scoring pattern, texture and material used for the construction of the private street shall be reviewed and approved by D.O. staff to ensure the appropriateness of the special paving proposed.
- C-2 The proposed location of the light standards, and lighting plan in general, shall be coordinated with the proposed landscape plan. Lighting which shines directly into dwelling units or adjacent property, or is overly intense and bright, shall be avoided.
- C-3 The applicant shall work closely with the power utility provider, PG&E, to appropriately locate underground transformer vault(s) in locations that are less noticeable or can be adequately screened, coordinated with the proposed landscape and site plan.
- C-4 Acceptable to the Fire Department, all fire apparatus, including standpipes and risers, shall be properly located and concealed within the building walls.
- C-5 The construction drawings shall be reviewed by the acoustic consultant to ensure that all of the mitigation measures required are incorporated in the project. A letter from the acoustic consultant to staff shall state that the plan is in compliance with the requirements for noise mitigation under Condition D-4, and shall be subject to staff review and approval during the Development Organization review process.
- C-6 Utility lines shall be located so as not to prohibit the placement of landscaping in between garage units.
- C-7 The applicant should work closely with the power and water utilities, PG&E and ACWD, respectively, on the location of the electrical and water meters. Such meters should be located in utility closets, in areas that can be screened (e.g. architecturally, compatible low screening walls, landscaping, etc.), or banked in locations that are less visible on the site.

- C-8 The applicant shall provide automatic fire extinguishing systems for each residence within the development, subject to the review and approval of the Development Organization review process.
- C-9 The applicant shall work with the neighboring homeowner's association to repair the existing wall to good condition and/or replace the wall with a new pre-cast wall. Should a new wall fence be proposed, the new wall/fence design, material and location shall be subject to D.O. staff approval.
- C-10 The two road terminuses shall be further enhanced to include landscape structural elements/artwork, color planting material, etc.
- C-11 Compliance with all conditions listed above under "General Conditions" relating to 'pre-construction' mitigation measures (e.g., noise attenuation, stormwater treatment).

Building Design Modifications

- D-1 Bargeboards shall be added under all building gables.
- D-2 The size and location of wood brackets shall be reviewed to ensure consistency and compatibility with the building facades.
- D-3 All units shall be pre-wired with exterior junction boxes to provide satellite dish cable connections. In addition, all bedrooms, including the living room, shall be pre-wired with phone and cable connections. No external wiring of these utilities shall be permitted.
- D-4 All noise recommendation included in the November 2004 Noise Study prepared by Wilson, Ihrig & Associates, shall be completed.

Landscaping/Lighting Plan Modifications

- E-1 The final landscape plan shall be subject to the review and approval of the City's Landscape Architect during the Development Organization review process.
- E-2 The applicant shall be required to install new street trees, subject to the review and approval of the City's Landscape Architect.
- E-3 A landscape plan shall be submitted to the Development Organization for review and approval, indicating full details regarding (1) paving materials and textures of walkways, (2) lighting of walkways and driveways with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and parkway areas. As part of the landscape plan, for the park, railroad buffer, promenade and front yards, the applicant shall submit to the Development Organization:
 - a. An underground irrigation plan.
 - b. Weed control specifications.

- c. A lighting plan for the illumination of the building, driveways and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated. A lighting plan for shared open spaces and the private street that provides light from a variety of sources (e.g. pedestrian-scale bollard pathway lighting, appropriately-scaled street light standards) shall be proposed. The lighting plan shall be reviewed to match the lighting intensity and quality to the use for which it is intended, i.e., lighting proposed for the pedestrian paseo will be substantially different from the required lighting of the private street. Lighting which shines directly into dwelling units or adjacent property, or is overly intense and bright, shall be avoided.
 - d. Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate.
 - e. Landscape and irrigation plans for the front yards of the single-family detached residences.
- E-4 The plant palette shall reflect and reinforce the selected architectural style of the buildings. A more detailed landscape plan shall be submitted with the Tract Map Improvement Plans.

Payment of City Fees

- F-1 The project shall be subject to all City-wide development impact fees. These fees may include, but are not limited to, park dedication in-lieu fee, fees for fire protection, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance. Impact fee credits for previous buildings located on the site will be considered.

During Construction Conditions (Conditions that must be satisfied during construction.)

- G-1 A professional engineer, registered in the State of California, shall be retained to prepare the final grading plan. Upon completion of the grading, a letter shall be submitted to the Development Organization that the as-built grading is in compliance with the approved grading plan.
- G-2 Prior to the inspection of the roof sheathing, the project manager or supervising general contractor shall contact the Development Organization at (510) 494-4561 for an interim inspection by Planning Division staff of the structure to ensure that the construction is consistent with the approved architecture and building design.
- G-3 Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:
- a. Monday-Friday, 7 a.m. to 7 p.m.
 - b. Saturday & Holiday, 9 a.m. to 6 p.m.
 - c. Sunday, no construction activity allowed

- G-4 Compliance with all conditions listed above under "General Conditions" relating to during construction' mitigation measures.

Final Occupancy Conditions (Must be satisfied prior to occupancy)

- H-1 A professional engineer registered in the State of California shall be retained to prepare a final grading plan, and upon the completion of the grading submit to the Development Organization a statement that the as-built grading conditions do not deviate from the approved plan by more than one foot of vertical elevation, subject to the review and approval of staff prior to the issuance of occupancy permits for each structure.
- H-2 The project architect shall submit a letter to the City certifying that the buildings have been constructed in conformance with the approved architectural plans, subject to the review and approval of the Development Organization.
- H-3 The project landscape architect shall submit a letter to the City certifying that the on-site and streetscape (ROW) landscaping have been constructed in conformance with the approved landscape and irrigation plan, subject to the review and approval of the Development Organization.
- H-4 Compliance with all conditions listed above under "General Conditions" relating to 'post-construction' mitigation measures (e.g., erosion control).

Exhibit "D"
PLN2004-00177
(Vesting Tentative Tract Map 7690, Preliminary Grading Plan and Private Street)
Irvington Commons, 41762, 41778 and 41786 Fremont Boulevard
(APN 525-0611-053-02)
January 26, 2006 Planning Commission Meeting

FINDINGS:

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Planning Commission dated January 26, 2006, incorporated herein by reference.

- A. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance, because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards of the R-3 District.
- B. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan land use designation of Medium Density Residential (18-23 du/ac) for the site.
- C. The site is physically suitable for the type and proposed density of the development, because it is consistent with the General Plan and zoning designations for the site.
- D. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because of the design and location (infill) of the development.
- E. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, because the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
- F. The design of the subdivision and the type of improvements will not conflict with any easements required for the public at large for utilities or access within the proposed subdivision.
- G. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.
- H. The proposed project described in the application will not result in geologic or topographic instability on or near the site. A peer reviewed geotechnical evaluation of the site will be required prior to the issuance of a building permit.
- I. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The applicant is required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.

- J. The proposed development is not in any special studies zone nor is there evidence of presence of any fault or active slides per official maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.
- K. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.
- L. The most logical development of the land requires private street access because the physical character of the project is more amenable to the less intense right of way required of a private street.
- M. The development of the land is well defined because the design of the subdivision and proposed improvements are in conformance with the City of Fremont's applicable codes and policies.

TENTATIVE MAP CONDITIONS OF APPROVAL:

- 1. Approval of this Vesting Tentative Map shall expire 24 months after approval according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Fremont Municipal Code consistent with the State Subdivision Map Act.
- 2. The developer shall install complete street improvements to the centerline of Fremont Boulevard across the project frontage. Where the frontage has previously been improved, the developer shall replace existing damaged sidewalk, curb, gutter, and pavement. Required improvements include, but are not limited to: removal of existing driveways and installation of a new driveway; replacement of existing damaged and/or displaced curb, gutter, and pavement, to the centerline of Fremont Boulevard; construction of new utility laterals. New utility crossings in Fremont Boulevard shall be "jack and bore" installations in order to minimize damage to the recently constructed street improvements. The extent of repair or replacement of existing Fremont Boulevard improvements shall be determined by the City Engineer during the review of subdivision improvement plans.
- 3. The proposed private street names are subject to review, modification, and approval by the City prior to final map approval.
- 4. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- 5. In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement for the long-term operation and maintenance of on-site stormwater treatment measures. The agreement shall run with the land and be recorded at the same time that the final map is recorded. The homeowner's association is responsible to maintain, repair and/or replace on-site stormwater treatment facilities in compliance with this condition.
- 6. The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans and final map. The final streetlight plan and joint trench plan shall be completed and approved prior to final map approval.

7. The developer shall request P.G.& E. to commence with the design of the utility underground work for the proposed development after the Planning Commission's approval of Vesting Tentative Tract Map 7690.
8. Precise geometry and location of all driveways shall be subject to approval of the City Engineer.
9. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall defend, indemnify, and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Fremont, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code.
10. The City of Fremont shall notify the subdivider as soon as reasonably possible of any claim, action, or proceeding filed with or against the City to attack, set aside, void, or annul the City's approval and the subdivider shall cooperate fully in the defense.
11. All new utility service connections, including electrical and communications, shall be installed underground within appropriate public service or public utility easements.
12. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
13. The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
14. The developer, at time of initial sale, shall provide to the buyer information on good housekeeping of hazardous products, i.e. proper use and disposal, prohibited discharge practices, etc. Informational materials will be furnished by the City.
15. A home owners association or other mechanism acceptable to the City is to be established, formed, and is to covenant and be responsible for the maintenance of all commonly owned facilities, which are not maintained by the public utility agency. The developer is responsible for maintenance for all facilities during the subdivision warranty period.
16. The owner of private streets and storm drains shall prepare and implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.
17. All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont.
18. The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.

19. All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). The City Engineer may require additional cleaning.
20. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
21. Prior to final map approval, the developer and project civil engineer shall work with staff to incorporate, into the design, additional storm water best management practices (BMPs) to treat storm water runoff before it is discharged into the public storm drain system. Examples of potential storm water BMPs include bio-swales, micro-detention ponds, infiltration planters, and permeable pavement.
22. Above ground architectural and building features that project over proposed property lines shall be permitted on townhouse units by easement recorded on the final map. Such features include, but are not limited to, eaves, bay windows, balconies, porches, landings, and stairways. The details of these easements, including dimensions and descriptions, shall be included on the tentative map. Foundations for townhouse units must be contained within the individual lots.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:

23. The project shall conform with Exhibit "B" (Preliminary Grading Plan), all conditions of approval set forth herein, and all conditions of approval of Vesting Tentative Tract Map 7690 (PLN2004-00177).
24. Approval of this Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
25. Approval of this Preliminary Grading Plan shall run concurrent with the approval and subsequent extensions of Vesting Tentative Tract Map 7690 (PLN2004-00177). Approval of this Preliminary Grading Plan shall terminate upon the expiration of Vesting Tentative Tract Map 7690.
26. A grading permit issued for the project shall be in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.

27. The applicant shall provide for a functional system to control erosion and siltation during and after grading subject to review and approval by the City Engineer or Alameda County Flood Control and Water Conservation District. An erosion and sediment control plan shall be included as part of the grading plans.
28. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
29. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul truck route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
30. The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections, prepared by a qualified soils engineer registered by the State of California.
31. Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
32. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
33. The project storm drain design shall be subject to review and approval of both the City Engineer and the Alameda County Flood Control and Water Conservation District. The hydraulic and hydrology study for the project shall include analysis of the capacity of the existing public storm drain in Fremont Boulevard to which the project proposes to connect. The storm drain system for this project will be designed so as to not increase peak flows in the Irvington area.

PRIVATE STREET CONDITIONS:

34. The private streets shall conform with Exhibit "B", attached hereto and made a part hereof and all conditions of approval of Vesting Tentative Map 7690 (Exhibit "2").
35. This Private Street (PLN2004-00177) is being conditionally approved based on the accuracy of the information shown on Exhibit "A" and submitted with the Private Street application. If any of the information is shown to be inaccurate subsequent to approval of the Private Street by the City, such inaccuracy may be cause for invalidating this approval.
36. The private street names are subject to modification prior to final map approval. If needed, the developer shall work with staff to provide different street names, subject to staff review and approval.
37. A Private Vehicle Access Way (PVAW) and a Public Utility Easement (PUE) are to be established over the entire private street right-of-way. The PUE dedication statement on the final map is to recite that the PUE is available for, but not limited to, the installation, access and maintenance of sanitary and storm sewers, water, electrical and communication facilities.

38. Access considerations for the on-site circulation system require space to be reserved for the movement of fire-fighting and emergency vehicles for the protection of both private property and the public. Dedication of emergency vehicle access easements (EVAE) on the final map over the private street right-of-way will be required. The easement geometry shall be subject to the approval of the City Engineer.
39. Fire hydrants are to be located along the private street as determined by the Fremont Fire Department.
40. Deed restrictions are to be recorded concurrently with the final map to create a mandatory Home Owner's Association or any other mechanism acceptable to the City for those lots with private street frontage which is to covenant and be responsible for the following:
 - a. Maintenance of the facilities in the private street which are not maintained by a public utility agency, except all utility work resulting from backfill failure is to be the responsibility of the Home Owner's Association.
 - b. Payment of the water and private street lighting (maintenance and energy) bills.
 - c. Maintenance, repair, replacement and removal of blockages in all building sewers. Maintenance of the building sewers includes repair of any trench failures and/or trench surface material failures.
 - d. Maintenance and "knock-down" repair of fire hydrants and water facilities along the private street is to be done by the utility agency at the expense of the Home Owner's Association. The Home Owner's Association is to be responsible for repainting any fire hydrants along the private street.
 - e. Each buyer is to sign an acknowledgment that he/she has read the constitution and bylaws of the Home Owner's Association and the conditions, covenants and restrictions applying to the development.
41. Private street grading and drainage shall be done according to public street standards, subject to review and approval by the City Engineer prior to final map approval.
42. Pursuant to FMC Section 8-1522 and 8-3107, the subdivider is to improve prior to final map approval or agree to improve within one year of final map approval, the private street frontage of the map. No permanent improvement work is to commence until improvement plans and profiles have been approved by the City Engineer. Improvements are to be installed to permanent line and grade in accordance with the City's subdivision improvement standards and to the satisfaction of the City Engineer. The minimum improvements which the subdivider is normally required to construct or agree to construct prior to acceptance and approval of the final map by the City are as set forth in the City Development Policy for Private Vehicle Access ways. Improvements to be constructed include:
 - a. Curb and gutter
 - b. Driveways

- c. Street paving
 - d. Private Street monuments
 - e. Electroliers (wired underground)
 - f. Drainage facilities
 - g. Signs
 - h. Fire hydrants
43. The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a thirty-year pavement design life. In no case shall the traffic index be less than 5.5. Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the City Engineer. Pavement design sections shall be subject to approval of the City Engineer.
44. Safety lighting is to be provided on the private street. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide an average maintained foot-candle level of 0.12.
45. A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the private street entrance. The name of the private street is to be placed on this sign in clearly legible four-inch letters. The sign is to have painted, in at least one-inch letters, "Private Property. Not dedicated for public use."
46. Approval of Private Street (PLN2004-00177) shall become effective upon final map approval.